

Federal Communications Commission | DA 04-2933

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.622(b),)

Table of Allotments,)

Digital Television Broadcast Stations.)

(Jamestown, North Dakota))

MM Docket No. 00-127
RM-9894

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 9, 2004

Released: September 17, 2004

By the Chief, Video Division:

1. At the request of Red River Broadcast Company ("Red River"), licensee of station KJRR-TV, Jamestown, North Dakota, the Commission has before it the *Further Notice of Proposed Rule Making*, 19 FCC Rcd 7966 (2004), proposing the substitution of DTV channel 18 for KJRR's assigned DTV channel 14 at Jamestown.

2. Initially, the Commission issued the *Notice of Proposed Rule Making*, 15 FCC Rcd 12737 (2000), soliciting comments regarding Red River proposal to substitute of DTV channel 30 for DTV channel 14 in order to alleviate Channel 14 land mobile interference concerns. In response to the *Notice*, Red River filed comments supporting its proposal. Concurrently, the Commission's staff forward a request to the Canadian government soliciting its approval of Red River proposal since the community of Jamestown is located within 400 kilometers of the U.S.-Canadian border. After the close of the comment period, the Canadian government notified the Commission that Red River proposal failed to provide protection to co-channel DTV allotments at Oak Lake and Morden, Manitoba. In order to resolve the conflicts, Red River submitted an amendment proposing the substitution of DTV channel 18 in lieu of DTV channel 30.

3. In response to Red River's amended proposal, the Commission issued the *Further Notice* proposing the substitution of DTV channel 18 for station KJRR assigned DTV channel 14. Red River filed comments reaffirming its intention to apply for DTV channel 18, if allotted. Concurrence from the Canadian government was also received.

4. We believe the public interest would be served by allotting DTV channel 18, since it will enable station KJRR-DT to eliminate land mobile interference conflicts. DTV channel 18 can be allotted to Jamestown, North Dakota, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 46-55-27 N. and 98-46-19 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KJRR-DT with the following specifications:

Federal Communications Commission**DA 04-2933**

| <u>State & City</u> | <u>DTV Channel</u> | <u>DTV power (kW)</u> | <u>Antenna HAAT (m)</u> | <u>DTV Service Pop. (thous.)</u> |
|-------------------------|--------------------|-----------------------|-------------------------|----------------------------------|
| ND Jamestown | 18 | 1000 | 135 | 47 |

5 Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 1, 2004, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

| <u>City</u> | <u>Channel No.</u> |
|-------------------------|--------------------|
| Jamestown, North Dakota | 18 |

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Red River Broadcast Company shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 18 in lieu of DTV Channel 14 for station KJRR-DT.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau